



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/133,989 08/14/98 DOAN

T 93-0421.03

CHARLES B BRANTLEY II
8000 S FEDERAL WAY
M S 525
BOISE ID 83716-9632

IM22/0906

EXAMINER

EDWARDS, L

ART UNIT

PAPER NUMBER

1734

DATE MAILED:

09/06/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/133989

Applicant(s)

Doan

Examiner

L. Edwards

Group Art Unit

1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☒ Responsive to communication(s) filed on 7/21/00

☒ This action is FINAL.

- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 12-33 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 12-33 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 3+6
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

Art Unit: 1734

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-14 and 17-33 rejected under 35 U.S.C. 102(a) as being anticipated by Honda (JP No. 8-5825).

Honda teaches an apparatus to remove coating built-up from the edge of a substrate having a resist coating thereon, the apparatus comprising means (12) for dispensing a fluid (i.e., developer solution, the developer solution inherently having a solvent therein) whereby the dispensing means dispenses the fluid onto the edge of the substrate and means (11) surrounding the dispensing means for vacuuming fluid from the edge of the substrate to remove built-up coating (See Figs. 1-3).

Claims 14-18, 20, 21, 24, and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Uchida et al (JP 56-73579).

Uchida et al teach an apparatus for removing coating from the edge of a coated substrate comprising means (4) for dispensing a fluid (i.e., a solvent such as water) onto the edge of the

Art Unit: 1734

substrate and means (5) surrounding the dispensing means for vacuuming fluid from the edge of the substrate (See Figs. 1-3). Also, the Uchida et al apparatus is deemed spaced from the substrate as evidenced by the example on the last page of the translation whereby a gap of 180μ exists between suction port (2) tip and the substance to be coated.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 19, 22, 23, 25-27, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida et al (JP 56-73579) in view of Honda (JP 8-5825).

Art Unit: 1734

Uchida et al teach an apparatus for removing coating from the edge of a coated substrate comprising means or a nozzle (4) for dispensing a fluid (i.e., a solvent such as water) onto the edge of the substrate and means (5) surrounding the dispensing means for vacuuming fluid from the edge of the substrate (See Figs. 1-3). Also, the Uchida et al apparatus is deemed spaced from the substrate as evidenced by the example on the last page of the translation whereby a gap of 180μ exists between suction port (2) tip and the substance to be coated. Uchida et al fail to teach or suggest the vacuum means enveloping the edge of the substrate. However, it was known in the art at the time the invention was made, to provide a vacuum mechanism enveloping a dispensing nozzle as well as the edge of a coated substrate in order to facilitate the removal of coating build-up on the edge of a substrate from its top and bottom surface as evidenced by Honda (see Figs. 2 and 3). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Uchida et al apparatus to envelop the dispensing nozzle as well as the edge of the substrate with a vacuum mechanism as taught by Honda in order to optimize the removal of coating build-up from the edge of the substrate.

With respect to claim 22, Uchida et al teach an apparatus including a coaxial dispenser and suction device provided on the top surface of the coated substrate. Uchida et al are silent concerning providing such an apparatus on the top and bottom of the substrate and further having the suction device encompass both the top and bottom dispensers. However, it was known in the art at the time the invention was made to provide top and bottom dispensers with an encompassing suction device disposed about the dispensers in order to facilitate removal from the

Art Unit: 1734

top and even the bottom of the coated substrate as evidenced by Honda (See Fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Uchida et al apparatus to provide top and bottom dispensers and encompass both dispensers with the suction device in order to completely remove any coating material build-up from the top surface as well any material that reaches the bottom surface of the substrate.

Response to Arguments

Applicant's arguments filed 7/21/00 have been fully considered but they are not persuasive.

Applicant contends that Honda does not disclose a solvent dispensing nozzle but a developing solution nozzle such that the structure as claimed is not anticipated. This argument is not deemed persuasive because Honda teaches the use of a nozzle which dispenses a fluid composition or developing solution in which there is a solvent. Even though the solvent used therein is not explicitly disclosed, one of ordinary skill in the art recognizes that a solution includes a solvent and therefore the structure as claimed remains anticipated by Honda.

Applicant contends that Uchida et al teach placement of the suction nozzle directly contacting the workpiece surface which is totally opposite the presently claimed invention in which the suction nozzle is spaced away from the workpiece surface. This argument is not deemed persuasive because the Uchida et al suction nozzle is spaced or out of contact with the workpiece surface. The degree of spacing is small, however, a spacing or gap does exist between the workpiece surface and the suction nozzle as evidenced by the last page of the translation

Art Unit: 1734

whereby the gap of 180μ exists between suction port (2) tip and the substance to be coated. Furthermore, one of ordinary skill in the art would expect the suction nozzle to be spaced a predetermined distance away from the workpiece surface because a damaged product would result if the suction nozzle tip contacted with workpiece surface.

Applicant contends that the combination of the teachings of Uchida et al with Honda is improper because Uchida et al and Honda having contradictory teachings that discourage the combination whereby Uchida et al teach an apparatus which touches the coating and Honda teaches an apparatus which does not touch the coating. This argument is not deemed persuasive because the teachings between Uchida et al and Honda are the same in that they both teach the use of a combined suction and dispensing apparatus to remove coating build-up from the edge of a coated substrate. The modification of the Uchida et al apparatus to remove coating build-up on the top and bottom of the substrate as is recognized in the art by Honda and is deemed to be within the level of ordinary skill in the art such that patentability does not result.

Conclusion

The typographical error in the previous office action on page 4, line 5, including dependent claim 16 is acknowledged. The rejection of claims "1, 12-14, and 16-33" under 35 U.S.C. 102 should have included claims --1, 12-14, and 17-33--.

Art Unit: 1734

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to L. Edwards whose telephone number is (703) 308-4252. The examiner can normally be reached on Monday-Thursday from 8:30AM-6:00PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino, can be reached at (703) 308-3853. The fax phone number for Art Unit 1734 is (703) 305-7115.

Any inquiry of a general nature such as status inquiries should be directed to the Group receptionist whose telephone number is (703) 308-0661.

le
September 5, 2000

L. Edwards
LAURA EDWARDS
PRIMARY EXAMINER
GROUP 1300
1700